



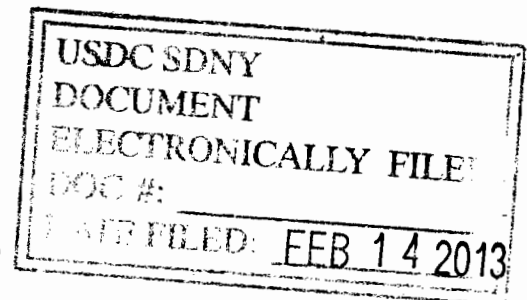
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Reply to the Cleveland Office:

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VIA FACSIMILE (212) 805-0426

Honorable Laura T. Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312



Re: Rates Technology, Inc. v. Broadvox Holding Company, LLC
Civil Action No. 13 Civ. 0152 (LTS)

Dear Judge Swain:

Please accept this response to Plaintiff's facsimile letter of February 12, 2013 on behalf of the defendants, Broadvox Holding Company, LLC and Cypress Communications Operating Company, LLC ("Defendants"). Plaintiff does not oppose my admission *pro hac vice*, and, thus, Plaintiff's comments are gratuitous. They are unwarranted also, because:

First, I am General Counsel to the Defendants, and, subject to the Court's acceptance of my *pro hac vice* application, I do intend to help try this case.

Second, the parties will formally address any proper restrictions on confidential documents. To respond to Plaintiff's letter, however, given the nature of the documents that Plaintiff intends to protect, Defendants do not believe that Plaintiff will be able to sustain disclosure to some counsel, but not all counsel. As Defendants' Response to Plaintiff's Motion to Show Cause will demonstrate, the threatening e-mails Plaintiff seeks to protect are not confidential by any means.

Third, Defendants' claims against Plaintiff do not preclude me from participating in the case, and, again, Plaintiff should bring any issue frontally to the Court by motion, as opposed to innuendo.

Fourth, Defendants will be filing various Motions to Dismiss and a Motion to Transfer in this matter, along with a Motion for Sanctions. Upon the Court's review of these Motions, Plaintiff's letter may be moot, as I may never be called by Plaintiff to testify in this action at

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February 13, 2013
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all. Even if I were, however, the exceptions to the rule cited by Plaintiff (Rule 2.7(a) of the NY Rules of Professional Conduct) would apply.

Both before and after the filing of this Action, nearly every act of Plaintiff, and particularly their principal, Jerry Weinberger, has been dedicated to driving up Defendants' costs in a lawsuit that they know or should know has no merit. Plaintiff's Motion to Show Cause and Mr. Springut's letter continue that pattern by attempting to raise issues with Defendants' efforts to rely on in-house counsel to represent the companies in order to limit Defendants' fees. Correspondence from Plaintiff, Mr. Weinberger and their counsel – including the e-mails they are attempting to keep from public disclosure – as well as the over 170 patent lawsuits to which Plaintiff or Mr. Weinberger have been a party, show that they use as leverage over defendants the existence of "large unrecoverable attorney fees". Plaintiff and its counsel know they have no good faith basis for filing the TRO other than to force Defendants to expend fees, as Defendants' Response to the Motion to Show Cause will demonstrate. Plaintiff seeks to force Defendants to use outside counsel for the same reason.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'AG' followed by a stylized flourish.

Alex Gertsburg
EVP – General Counsel
Broadvox, LLC

AG:kd

cc: Milton Springut, Esq. (by e-mail)
Tal Benschar, Esq. (by e-mail)
George Pazuniak, Esq. (by e-mail)
Andriy Pazuniak, Esq. (by e-mail)

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